

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CAMBRIA COMPANY LLC,

Plaintiff,

Civil No. 1:20-cv-00508-JMB-PJG

v.

Honorable Jane M. Beckering

LAKESIDE SURFACES, INC.,

Defendant.

DECLARATION OF LELAND P. SCHERMER

I, Leland P. Schermer, declare as follows:

1. I am a partner at Marcus & Shapira LLP, and I am outside counsel for Defendant Lakeside Surfaces, Inc. (“Lakeside”).

2. This Declaration is in Support of Lakeside’s Brief in Opposition to Plaintiff Cambria Company, LLC’s (“Cambria”) Motion for Summary Judgement of No Invalidity attaching the following exhibits to this Declaration.

3. Attached hereto as Exhibit A is a true and correct copy of the July 7, 2022 email transmitting the deposition and exhibits from the June 28, 2022 deposition of Martin Davis, Cambria CEO and owner.

4. Attached hereto as Exhibit B is a true and correct copy of the transcript of the June 28, 2022 deposition of Martin Davis and exhibits of relevance.

5. Attached hereto as Exhibit C is a true and correct copy of the Affidavit of Professor Dennis David Crouch.

6. Attached hereto as Exhibit D is a true and correct copy of section 1504 of the Manual of Patent Examining Procedures (“M.P.E.P.”), used by Patent Office Examiners and patent prosecution attorneys to guide the proper and improper processing of design patent applications.

7. Attached hereto as Exhibit E is a true and correct copy of the Plaintiff's Opening Claim Construction Brief filed by Cambria Company in the District of New Jersey in a case against Hirsch Glass Corp., where Cambria asserted infringement of the same D'332 Patent and other related patents by Hirsch, and took positions on what the invention here is about.

8. Attached hereto as Exhibit F is a true and correct copy of prior art U.S. Design Patent No. D769458.

9. Attached hereto as Exhibit G is a true and correct copy of prior art U.S. Utility Patent No. 8.414.996.

10. Attached hereto as Exhibit H is a true and correct copy of Cambria's patent attorney at Fish & Richardson, Mike Hawkins's, November 4, 2015 Information Disclosure Statement submitted during prosecution of the D'332 Patent.

11. Attached hereto as Exhibit I is a true and correct copy of Cambria's patent attorney at Fish & Richardson, Mike Hawkins's, April 21, 2016 Information Disclosure Statement submitted during prosecution of the D'332 Patent.

I declare under the penalty of perjury that the foregoing are true and correct to the best of my belief and knowledge, and that, if called upon to testify, I could and would competently testify as to these facts.

Dated: July 22, 2022

s/ Leland P. Schermer
LELAND P. SCHERMER

RESPECTFULLY SUBMITTED,

GARAN LUCOW MILLER, P.C.

DATED: July 22, 2022

/s/ Robert D. Goldstein
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MARCUS & SHAPIRA LLP

DATED: July 22, 2022

/s/ Leland P. Schermer
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CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2022, a true and correct copy of the foregoing Declaration was electronically filed and served via operation of the Court's CM/ECF system, which will automatically send e-mail notification of such filing to the attorneys of record entitled to notice who are registered users of ECF.

s/ Leland P. Schermer

Leland P. Schermer